

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)Attorney Docket No.: F-235

Frederick W. Ryan, Jr.)Group Art Unit: 3628

Serial No.: 09/777,592)Examiner: N. Erb

Filed: Feb. 5, 2001)Date: April 21, 2008

Confirmation No.: 3158

Title: Mail Piece Verification System Having Forensic Accounting Capability

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 2, 4, 7, 9, 11, 14, 16, 18 and 22-24 of the above-identified application mailed January 25, 2008. A Notice of Appeal is being filed concurrently herewith.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**.

I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There following appeals or interferences are known to Appellant, their legal representative, or the assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Appeal to the Board of Patent Appeals and Interferences in Application Serial. No. 09/748,889. No decision has been rendered by the Board to date in this proceeding.

III. Status of Claims

Claims 2, 4, 7, 9, 11, 14, 16, 18 and 22-24 are pending in this application and are on appeal. Claims 2, 4, 9 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter (U.S. 5,280,531) in view of Moore (U.S. 5,917,925) and further in view of Connell et al. (U.S. 4,933,849). Claims 7 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Moore and Connell et al. and further in view of Berson (U.S. 5,819,239). Claims 16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Connell et al. Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Moore and Connell et al. and further in view of Fleming (U.S. 5,953,710). Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hunter in view of Connell et al. and further in view of Fleming.

IV. Status of Amendments

There were no amendments to the claims filed subsequent to the Office Action dated January 25, 2008. Therefore, the claims as set forth in Appendix A to this brief are those as set forth before the final rejection.

V. Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellant's invention is directed to mail piece verification and detection of possible fraud by duplication techniques. A data center including a plurality of account files corresponding to a plurality of postage metering systems stores reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems. The data center receives respective mail piece data corresponding to the mail pieces from the plurality of mail processing centers and stores empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems. A forensic accounting analysis is conducted of the empirical data and the reset data associated with a selected postage metering system. If the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for a selected postage metering system, graphic data is downloaded to the selected postage metering system to be included on mail pieces (or in the mail piece data) of mail pieces subsequently prepared by the selected mail processing system. The graphic data facilitates discerning whether or not fraudulent indicia have been created by the selected mail processing system or a third party.

Independent claim 2 is directed to a mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, that comprises "a data center in operative communication with a plurality of mail processing centers," (see Fig. 1, items 130, 120 and 150 and corresponding description on page 6, lines 10-19), "the data center including a plurality of account files corresponding to a plurality of postage metering systems;

the data center being adapted to store reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively;" (see Fig. 1, item 134 and corresponding description on page 9, lines 5-16), "receive respective mail piece data corresponding to the mail pieces from the plurality of mail processing centers;" (see Fig. 5, item 410 and corresponding description on page 11, lines 30-32), "store empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively;" (see Fig. 1, item 134d, and Fig. 5, item 502 and corresponding description on page 13, lines 6-20), "conduct a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis;" (see Fig. 5, item 504 and corresponding description on page 13, lines 20-26), "and download graphic data to the selected postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system." (See Fig. 5, item 510 and corresponding description on page 14, lines 22-26).

Independent claim 9 is directed to a method of operating a mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, that comprises "receiving mail pieces at a plurality of mail processing centers that have been prepared by a plurality of postage metering systems;" (see Fig. 4, item 400 and corresponding description on page 11, lines 20-26), "obtaining the respective mail piece data from the mail pieces;" (see Fig. 4, item 402 and corresponding description on page 11, lines 7-9), "maintaining a plurality of account files corresponding to the plurality of postage metering systems;" (see Fig. 1, item 134 and corresponding description on page 9, lines 5-16), "storing reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively;" (see Fig. 1, item 134c and corresponding description on page 9, lines 5-16), "using the respective mail piece data, storing empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively;" (see Fig. 1, item 134d, and Fig. 5, item 502 and corresponding description on page 13, lines 6-20), "conducting a

forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis;" (see Fig. 5, item 504 and corresponding description on page 13, lines 20-26), "and downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system." (See Fig. 5, item 510 and corresponding description on page 14, lines 22-26).

Independent claim 16 is directed to a method of operating a data center for processing data associated with mail pieces and a plurality of postage metering systems for preparing mail pieces, that comprises "obtaining reset data representative of reset activity associated with the plurality of postage metering systems;" (see Fig. 1, item 134c and corresponding description on page 9, lines 5-16), "obtaining empirical data representative of mailing activity associated with the plurality of postage metering systems;" (see Fig. 1, item 134d, and Fig. 5, item 502 and corresponding description on page 13, lines 6-20), "conducting a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis;" (see Fig. 5, item 504 and corresponding description on page 13, lines 20-26), "and downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data for inclusion on mail pieces subsequently prepared by the selected postage metering system." (See Fig. 5, item 510 and corresponding description on page 14, lines 22-26).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether the subject matter defined in claims 2, 4, 9 and 11 is obvious over Hunter (U.S. 5,280,531) in view of Moore (U.S. 5,917,925) and further in view of Connell et al. (U.S. 4,933,849).

B. Whether the subject matter defined in claims 7 and 14 is obvious over Hunter in view of Moore and Connell et al. and further in view of Berson (U.S. 5,819,239).

C. Whether the subject matter defined in claims 16 and 18 is obvious over Hunter in view of Connell et al.

D. Whether the subject matter defined in claims 22 and 23 is obvious over Hunter in view of Moore and Connell et al. and further in view of Fleming (U.S. 5,953,710).

E. Whether the subject matter defined in claim 24 is obvious over Hunter in view of Connell et al. and further in view of Fleming.

VII. Argument

As discussed in detail below, the final rejection of claims 2, 4, 7, 9, 11, 14, 16, 18 and 22-24 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellant is entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The subject matter defined in claims 2, 4, 9 and 11 is obvious over Hunter (U.S. 5,280,531) in view of Moore (U.S. 5,917,925) and further in view of Connell et al. (U.S. 4,933,849).

(i) Claims 2 and 4 are not obvious over Hunter in view of Moore and further in view of Connell et al.

As noted above, Appellant's invention is directed to mail piece verification and detection of possible fraud by duplication techniques. A data center including a plurality of account files corresponding to a plurality of postage metering systems stores reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems. The data center receives respective mail piece data corresponding to the mail pieces from the plurality of mail processing centers and stores empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems. A forensic accounting analysis is conducted of the empirical data and the reset data associated with a selected postage metering system. If the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for a selected postage metering system, graphic data is downloaded to the selected postage metering system to be included on mail pieces (or in the mail piece data) of mail pieces subsequently prepared by the selected mail processing system. The graphic data facilitates discerning whether or not fraudulent indicia have been created by the selected mail processing system or a third party.

In view of the above, claim 2 is directed to mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, that comprises "a data center in operative communication with a plurality of mail processing centers, the data center including a plurality of account files corresponding to a plurality of postage metering systems; the data center being adapted to store reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively; receive respective mail piece data corresponding to the mail pieces from the plurality of mail processing centers; store empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively; conduct a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and download graphic data to the selected postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system."

Hunter is directed to a method and system for analyzing the usage of postage meters with respect to the history of meter recharges for the purpose of detecting fraudulent or improper usage of the meters. In Hunter, a conventional transport system singulates a mail stream and transports mail pieces past a conventional optical character recognition (OCR) system. As each mailpiece is transported past the OCR system, the postal indicia is scanned to read at least the postage amount and meter identification number. The OCR is connected to a data processing system into which the meter identification numbers and postage amounts are input, which produces expenditure reports that describe the expenditures of particular meters as identified by the meter identification number in the postal indicia. The refill history of particular meters is also input into the data processing system. The data processing system produces discrepancy reports that identify those meters where expenditures differ from what would be expected in light of the refill history by more than some predetermined threshold. (See Col. 2, line 48 to Col. 3, line 42).

Moore is directed to a method for authenticating indicia marks to reduce the amount of counterfeit marks. The system generates a unique pattern comprising encoded input data that comprises a unique customer identifier and a unique postal service identifier. The unique pattern is applied to a mail piece as an indicia using an ink formulation comprising one or more chemical agents detectable when exposed to a visible or non-visible frequency range of light. The authentication process is completed by exposing the goods to light in the visible or non-visible frequency range thereby making the pattern detectable, scanning the detectable pattern on the mail piece, degenerating the pattern to retrieve the encoded input data, decoding the encoded data to retrieve the input data, and comparing the input data against all stored input data in a mass storage device to determine whether the indicia is authentic. (Col. 8, lines 1-24).

As noted by the Office Action, the references to Hunter and Moore do not disclose, teach or suggest the feature of the data center adapted to download graphic data to the selected postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system. (Office Action, page 7). To overcome this deficiency, the Office Action relies on the reference to Connell et al. Connell is directed to a security system for use with an indicia printing authorization device that has a plurality of indicia patterns selectively available for printing. In

Connell, a security system includes a means 12 for authorizing the printing of indicia, which includes a means 14 for storing a plurality of indicia patterns. A clock/calendar is used to maintain a calendar such that the date and time can be mechanically or electronically set during installation, or start up, and thereafter maintained. The operation of the system in Connell is described with respect to Fig. 4. The means 12 is prepared to print a manifest having a postal indicia pattern thereon. The computer 20 would then make an inquiry of the non-volatile RAM 26 and compare the current date, provided by the clock/calendar 28, with the date located in memory block 68. If the date that the new postal indicia is to be authorized has not been reached, the computer 20 then reads the current graphics address block in memory block 70 and proceeds to print the current authorized indicia. However, upon determining that the date so supplied is equal to or later than the date wherein the new indicia pattern has been authorized, the computer 20 then reads the graphics address block 66. The computer 20 also writes the address in address block 66 into the block 70 so that on subsequent printings the authorized indicia will always be printed. The computer 20 then accesses the particular authorized indicia graphic block and proceeds to print the indicia via the printer 32. (Col. 6, lines 3-24).

Thus, the system in Connell selects one of a plurality of stored indicia images based solely on the date that the indicia will be printed. There is nothing in Connell that discloses, teaches or suggests downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system as in the present invention. As noted above, the system in Connell changes the indicia images based solely on the date. The date has nothing whatsoever to do with whether or not a forensic accounting analysis reveals that the empirical data is not consistent with the reset data. The only disclosure, teaching or suggestion of such downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system is provided in Applicant's own specification. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to

reconstruct the present invention from these references. See *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support obviousness determination).

There is no disclosure, teaching or suggestion in Hunter, Moore or Connell, either alone or in any combination, of downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system as in the present invention.

For at least the above reasons, Appellant respectfully submits that the final rejection as to claim 2 is in error and should be reversed. Claim 4 is dependent upon claim 2, and therefore includes all of the limitations of claim 2. For the same reasons given above with respect to claim 2, Appellants respectfully submit that the final rejection as to claim 4 is in error and should be reversed.

(ii) Claims 9 and 11 are not obvious over Hunter in view of Moore and further in view of Connell et al.

Independent claim 9 is directed to a method of operating a mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, that comprises "receiving mail pieces at a plurality of mail processing centers that have been prepared by a plurality of postage metering systems; obtaining the respective mail piece data from the mail pieces; maintaining a plurality of account files corresponding to the plurality of postage metering systems; storing reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively; using the respective mail piece data, storing empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively; conducting a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the

graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system.

As noted by the Office Action, the references to Hunter and Moore do not disclose, teach or suggest the feature of downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system. (Office Action, page 11). To overcome this deficiency, the Office Action relies on the reference to Connell et al. Connell is directed to a security system for use with an indicia printing authorization device that has a plurality of indicia patterns selectively available for printing. In Connell, a security system includes a means 12 for authorizing the printing of indicia, which includes a means 14 for storing a plurality of indicia patterns. A clock/calendar is used to maintain a calendar such that the date and time can be mechanically or electronically set during installation, or start up, and thereafter maintained. The operation of the system in Connell is described with respect to Fig. 4. The means 12 is prepared to print a manifest having a postal indicia pattern thereon. The computer 20 would then make an inquiry of the non-volatile RAM 26 and compare the current date, provided by the clock/calendar 28, with the date located in memory block 68. If the date that the new postal indicia is to be authorized has not been reached, the computer 20 then reads the current graphics address block in memory block 70 and proceeds to print the current authorized indicia. However, upon determining that the date so supplied is equal to or later than the date wherein the new indicia pattern has been authorized, the computer 20 then reads the graphics address block 66. The computer 20 also writes the address in address block 66 into the block 70 so that on subsequent printings the authorized indicia will always be printed. The computer 20 then accesses the particular authorized indicia graphic block and proceeds to print the indicia via the printer 32. (Col. 6, lines 3-24).

Thus, the system in Connell selects one of a plurality of stored indicia images based solely on the date that the indicia will be printed. There is nothing in Connell that discloses, teaches or suggests downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data

for the postage metering system as in the present invention. As noted above, the system in Connell changes the indicia images based solely on the date. The date has nothing whatsoever to do with whether or not a forensic accounting analysis reveals that the empirical data is not consistent with the reset data. The only disclosure, teaching or suggestion of such downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system is provided in Applicant's own specification. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support obviousness determination).

There is no disclosure, teaching or suggestion in Hunter, Moore or Connell, either alone or in any combination, of downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system, as in the present invention.

For at least the above reasons, Appellant respectfully submits that the final rejection as to claim 9 is in error and should be reversed. Claim 11 is dependent upon claim 9, and therefore includes all of the limitations of claim 9. For the same reasons given above with respect to claim 9, Appellant respectfully submits that the final rejection as to claim 11 is in error and should be reversed.

B. The subject matter defined in claims 7 and 14 is not obvious over Hunter in view of Moore and Connell et al. and further in view of Berson (U.S. 5,819,239).

Claim 7 is dependent upon claim 2, and therefore includes all of the limitations of claim 2. As noted above, the references to Hunter, Moore and Connell et al. do not disclose, teach or suggest all of the limitations of claim 2. The reference to Berson does not cure any of the above

deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 2, Appellant respectfully submits that the final rejection as to claim 7 is in error and should be reversed.

Claim 14 is dependent upon claim 9, and therefore includes all of the limitations of claim 9. As noted above, the references to Hunter, Moore and Connell et al. do not disclose, teach or suggest all of the limitations of claim 9. The reference to Berson does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 9, Appellant respectfully submits that the final rejection as to claim 14 is in error and should be reversed.

C. The subject matter defined in claims 16 and 18 is not obvious over Hunter in view of Connell et al.

Independent claim 16 is directed to a method of operating a data center for processing data associated with mail pieces and a plurality of postage metering systems for preparing mail pieces, that comprises “obtaining reset data representative of reset activity associated with the plurality of postage metering systems; obtaining empirical data representative of mailing activity associated with the plurality of postage metering systems; conducting a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data for inclusion on mail pieces subsequently prepared by the selected postage metering system.”

As noted by the Office Action, the reference to Hunter does not disclose, teach or suggest the feature of downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system. (Office Action, page 15). To overcome this deficiency, the Office Action relies on the reference to Connell et al. Connell is directed to a security system for use with an indicia printing authorization device that has a

plurality of indicia patterns selectively available for printing. In Connell, a security system includes a means 12 for authorizing the printing of indicia, which includes a means 14 for storing a plurality of indicia patterns. A clock/calendar is used to maintain a calendar such that the date and time can be mechanically or electronically set during installation, or start up, and thereafter maintained. The operation of the system in Connell is described with respect to Fig. 4. The means 12 is prepared to print a manifest having a postal indicia pattern thereon. The computer 20 would then make an inquiry of the non-volatile RAM 26 and compare the current date, provided by the clock/calendar 28, with the date located in memory block 68. If the date that the new postal indicia is to be authorized has not been reached, the computer 20 then reads the current graphics address block in memory block 70 and proceeds to print the current authorized indicia. However, upon determining that the date so supplied is equal to or later than the date wherein the new indicia pattern has been authorized, the computer 20 then reads the graphics address block 66. The computer 20 also writes the address in address block 66 into the block 70 so that on subsequent printings the authorized indicia will always be printed. The computer 20 then accesses the particular authorized indicia graphic block and proceeds to print the indicia via the printer 32. (Col. 6, lines 3-24).

Thus, the system in Connell selects one of a plurality of stored indicia images based solely on the date that the indicia will be printed. There is nothing in Connell that discloses, teaches or suggests downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system as in the present invention. As noted above, the system in Connell changes the indicia images based solely on the date. The date has nothing whatsoever to do with whether or not a forensic accounting analysis reveals that the empirical data is not consistent with the reset data. The only disclosure, teaching or suggestion of such downloading graphic data to the postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the postage metering system is provided in Applicant's own specification. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at

the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985) (requiring "convincing line of reasoning" to support obviousness determination).

There is no disclosure, teaching or suggestion in Hunter Connell, either alone or in any combination, of downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system, as in the present invention.

For at least the above reasons, Appellant respectfully submits that the final rejection as to claim 16 is in error and should be reversed. Claim 18 is dependent upon claim 16, and therefore includes all of the limitations of claim 16. For the same reasons given above with respect to claim 16, Appellant respectfully submits that the final rejection as to claim 18 is in error and should be reversed.

D. The subject matter defined in claims 22 and 23 is not obvious over Hunter in view of Moore and Connell et al. and further in view of Fleming (U.S. 5,953,710).

Claim 22 is dependent upon claim 2, and therefore includes all of the limitations of claim 2. As noted above, the references to Hunter, Moore and Connell et al. do not disclose, teach or suggest all of the limitations of claim 2. The reference to Fleming does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 2, Appellant respectfully submits that the final rejection as to claim 22 is in error and should be reversed.

Claim 23 is dependent upon claim 9, and therefore includes all of the limitations of claim 9. As noted above, the references to Hunter, Moore and Connell et al. do not disclose, teach or suggest all of the limitations of claim 9. The reference to Fleming does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 9, Appellant respectfully submits that the final rejection as to claim 23 is in error and should be reversed.

E. The subject matter defined in claim 24 is not obvious over Hunter in view of Connell et al. and further in view of Fleming.

Claim 24 is dependent upon claim 16, and therefore includes all of the limitations of claim 16. As noted above, the references to Hunter and Connell et al. do not disclose, teach or suggest all of the limitations of claim 16. The reference to Fleming does not cure any of the above deficiencies, as it was relied upon for other features. For the same reasons given above with respect to claim 16, Appellant respectfully submits that the final rejection as to claim 24 is in error and should be reversed.

VIII. Conclusion

In Conclusion, Appellant respectfully submits that the final rejection of claims 2, 4, 7, 9, 11, 14, 16, 18 and 22-24 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

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Attachments - Appendix A – Claims Appendix (4 pages)
Appendix B – Evidence Appendix (1 page)
Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix

2. A mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, the system comprising :

a data center in operative communication with a plurality of mail processing centers, the data center including a plurality of account files corresponding to a plurality of postage metering systems; the data center being adapted to store reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively; receive respective mail piece data corresponding to the mail pieces from the plurality of mail processing centers; store empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively; conduct a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and download graphic data to the selected postage metering system to be included in the mail piece data of mail pieces subsequently prepared by the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

4. The system of claim 2, wherein the data center is further adapted to conduct an inspection of the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

7. The system of claim 2, wherein the data center is further adapted to issue instructions to the plurality of mail processing centers to increase a sample rate for mail pieces including mail piece data corresponding to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

9. A method of operating a mail piece verification system for processing mail pieces, the mail pieces having associated therewith respective mail piece data, the method comprising:

receiving mail pieces at a plurality of mail processing centers that have been prepared by a plurality of postage metering systems;

obtaining the respective mail piece data from the mail pieces;

maintaining a plurality of account files corresponding to the plurality of postage metering systems;

storing reset data in each of the plurality of account files representative of reset activity associated with the plurality of postage metering systems, respectively;

using the respective mail piece data, storing empirical data in each of the plurality of account files representative of mailing activity associated with the plurality of postage metering systems, respectively;

conducting a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and

downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data be included in mail piece data of mail pieces subsequently prepared by the selected postage metering system.

11. The method of claim 9, further comprising:

conducting an inspection of the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

14. The method of claim 9, further comprising:

increasing a sample rate at the plurality of mail processing centers for mail pieces including mail piece data corresponding to the selected postage metering system.

16. A method of operating a data center for processing data associated with mail pieces and a plurality of postage metering systems for preparing mail pieces, the method comprising:

obtaining reset data representative of reset activity associated with the plurality of postage metering systems;

obtaining empirical data representative of mailing activity associated with the plurality of postage metering systems;

conducting a forensic accounting analysis of the empirical data and the reset data associated with a selected postage metering system using a previously defined time period over which to conduct the forensic accounting analysis; and

downloading graphic data to the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system, the graphic data for inclusion on mail pieces subsequently prepared by the selected postage metering system.

18. The method of claim 16, further comprising:

conducting an inspection of the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

22. The mail piece verification system of claim 2, wherein the data center is further adapted to issue a new serial number to the selected postage metering system to replace an existing serial number of the selected postage metering system if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system.

23. The method of claim 9, further comprising:

issuing a new serial number to the selected postage metering system to replace an existing serial number if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system;

allowing normal processing of mail pieces containing the new serial number; and

instructing the plurality of mail processing centers to withhold processing of mail pieces containing the existing serial number.

24. The method of claim 16, further comprising:

issuing a new serial number to the selected postage metering system to replace an existing serial number if the forensic accounting analysis reveals that the empirical data is not consistent with the reset data for the selected postage metering system;

providing instructions to allow normal processing of mail pieces containing the new serial number; and

providing instructions to withhold processing of mail pieces containing the existing serial number.

APPENDIX B – EVIDENCE APPENDIX

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellants in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

The following appeals or interferences are known to Appellants, their legal representative, or the assignee which may be directly related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Appeal to Board of Appeals and Interferences in Application Serial No. 09/748,889. No decision has been rendered by the Board to date in this proceeding.